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H.93

Introduced by Representatives Killacky of South Burlington, Burrows of West Windsor, Christie of Hartford, Cina of Burlington, Coffey of Guilford, Colburn of Burlington, Colston of Winooski, Cordes of Lincoln, Kornheiser of Brattleboro, Rachelson of Burlington, Small of Winooski, Stevens of Waterbury, Surprenant of Barnard, Troiano of Stannard, Walz of Barre City, and Wood of Waterbury

Referred to Committee on

Date:

Subject: Human rights; discrimination; homelessness

Statement of purpose of bill as introduced: This bill proposes to establish a homeless bill of rights and prohibit discrimination against people without homes.

An act relating to establishing a homeless bill of rights and prohibiting discrimination against people without homes

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. FINDINGS

The Vermont General Assembly finds that:

1           (1) At the present time, many persons have been rendered homeless as a  
2           result of economic hardship and a shortage of safe and affordable housing.

3           (2) Article 1 of Chapter I of the Vermont Constitution states that  
4           Vermonters are “equally free and independent,” and Article 7 of Chapter I  
5           states that all Vermonters are entitled to the same benefits and protections. As  
6           a result, a person should not be subject to discrimination based on his or her  
7           housing status or being homeless.

8           (3) It is the intent of this act to help mitigate both the discrimination  
9           people without homes or perceived to be without homes face and the adverse  
10           effects individuals and communities suffer when a person lacks a home.

11           Sec. 2. 1 V.S.A. § 274 is added to read:

12           § 274. HOMELESS BILL OF RIGHTS

13           (a) A person’s rights, privileges, or access to public services shall not be  
14           denied or abridged solely because of his or her housing status. Such a person  
15           shall be granted the same rights and privileges as any other resident of this  
16           State.

17           (b) A person shall have the right:

18           (1) to use and move freely in public places, including public sidewalks,  
19           parks, transportation, and buildings, in the same manner as any other person  
20           and without discrimination on the basis of his or her housing status;

- 1           (2) to equal treatment by all State and municipal agencies without  
2           discrimination on the basis of his or her housing status;
- 3           (3) not to face discrimination while seeking or maintaining employment,  
4           due to his or her housing status;
- 5           (4) to emergency medical care free from discrimination based on his or  
6           her housing status;
- 7           (5) to vote, register to vote, and receive documentation necessary to  
8           prove identity for voting, without discrimination due to his or her housing  
9           status;
- 10           (6) to confidentiality of personal records and information in accordance  
11           with all limitations on disclosure established by State and federal law,  
12           including the Federal Homeless Management Information Systems, the Federal  
13           Health Insurance Portability and Accountability Act, and the Federal Violence  
14           Against Women Act, without discrimination based on his or her housing  
15           status;
- 16           (7) to a reasonable expectation of privacy in his or her personal property  
17           without discrimination based on his or her housing status; and
- 18           (8) to immediate and continued enrollment of his or her school-age  
19           children based on the best interests of the child as provided for in 16 V.S.A.  
20           § 1075(e) and the McKinney-Vento Homeless Assistance Act, 42 U.S.C.  
21           §§ 11431–11435 without discrimination based on his or her housing status.

1       (c) No person shall be subject to civil or criminal sanctions for soliciting,  
2       sharing, accepting, or offering food, water, money, or other donations in:

3           (1) a public place; or

4           (2) a place of public accommodation with the consent of the owner or  
5       other person representing the place of public accommodation and in a manner  
6       that does not interfere with normal business operations.

7       (d) No law shall target a person based on that person’s housing status or the  
8       harmless activities associated with homelessness, or the provision of supports  
9       or services to a person without housing or perceived to be without housing in:

10          (1) a public place; or

11          (2) a place of public accommodation with the consent of the owner or  
12       other person representing the place of public accommodation and in a manner  
13       that does not interfere with normal business operations.

14       (e) A person aggrieved by a violation of this section may bring an action in  
15       Superior Court for appropriate relief, including injunctive relief and actual  
16       damages sustained as a result of the violation, costs, and reasonable attorney’s  
17       fees.

18       (f) As used in this section:

19           (1) “Housing status” means the actual or perceived status of being  
20       homeless, being a homeless individual, or being a homeless person, as defined  
21       in 42 U.S.C. § 11302.



1           (1) To refuse to sell or rent, or refuse to negotiate for the sale or rental  
2 of, or otherwise make unavailable or deny, a dwelling or other real estate to  
3 any person because of the race, sex, sexual orientation, gender identity, age,  
4 marital status, religious creed, color, national origin, housing status, or  
5 disability of a person, or because a person intends to occupy a dwelling with  
6 one or more minor children, or because a person is a recipient of public  
7 assistance, or because a person is a victim of abuse, sexual assault, or stalking.

8           (2) To discriminate against, or to harass any person in the terms,  
9 conditions, privileges, and protections of the sale or rental of a dwelling or  
10 other real estate, or in the provision of services or facilities in connection  
11 therewith, because of the race, sex, sexual orientation, gender identity, age,  
12 marital status, religious creed, color, national origin, housing status, or  
13 disability of a person, or because a person intends to occupy a dwelling with  
14 one or more minor children, or because a person is a recipient of public  
15 assistance, or because a person is a victim of abuse, sexual assault, or stalking.

16           (3) To make, print, or publish, or cause to be made, printed, or published  
17 any notice, statement, or advertisement, with respect to the sale or rental of a  
18 dwelling or other real estate, that indicates any preference, limitation, or  
19 discrimination based on race, sex, sexual orientation, gender identity, age,  
20 marital status, religious creed, color, national origin, housing status, or  
21 disability of a person, or because a person intends to occupy a dwelling with

1 one or more minor children, or because a person is a recipient of public  
2 assistance, or because a person is a victim of abuse, sexual assault, or stalking.

3 (4) To represent to any person because of the race, sex, sexual  
4 orientation, gender identity, age, marital status, religious creed, color, national  
5 origin, housing status, or disability of a person, or because a person intends to  
6 occupy a dwelling with one or more minor children, or because a person is a  
7 recipient of public assistance, or because a person is a victim of abuse, sexual  
8 assault, or stalking, that any dwelling or other real estate is not available for  
9 inspection, sale, or rental when the dwelling or real estate is in fact so  
10 available.

11 \* \* \*

12 (7) To engage in blockbusting practices, for profit, ~~which~~ that may  
13 include inducing or attempting to induce a person to sell or rent a dwelling by  
14 representations regarding the entry into the neighborhood of a person or  
15 persons of a particular race, sex, sexual orientation, gender identity, age,  
16 marital status, religious creed, color, national origin, housing status, or  
17 disability of a person, or because a person intends to occupy a dwelling with  
18 one or more minor children, or because a person is a recipient of public  
19 assistance, or because a person is a victim of abuse, sexual assault, or stalking.

20 (8) To deny any person access to or membership or participation in any  
21 multiple listing service, real estate brokers' organization, or other service,

1 organization, or facility relating to the business of selling or renting dwellings,  
2 or to discriminate against any person in the terms or conditions of such access,  
3 membership, or participation, on account of race, sex, sexual orientation,  
4 gender identity, age, marital status, religious creed, color, national origin,  
5 housing status, or disability of a person, or because a person is a recipient of  
6 public assistance, or because a person is a victim of abuse, sexual assault, or  
7 stalking.

8 \* \* \*

9 (12) To discriminate in land use decisions or in the permitting of  
10 housing because of race, sex, sexual orientation, gender identity, age, marital  
11 status, religious creed, color, national origin, housing status, disability, the  
12 presence of one or more minor children, income, or because of the receipt of  
13 public assistance, or because a person is a victim of abuse, sexual assault, or  
14 stalking, except as otherwise provided by law.

15 \* \* \*

16 Sec. 6. 10 V.S.A. § 601 is amended to read:

17 § 601. DEFINITIONS

18 The following words and terms, unless the context clearly indicates a  
19 different meaning, shall have the following meaning:

20 \* \* \*



1 national origin, sex, sexual orientation, gender identity, place of birth, housing  
2 status, crime victim status, or age or against a qualified individual with a  
3 disability;

4 (2) For any person seeking employees or for any employment agency or  
5 labor organization to cause to be printed, published, or circulated any notice or  
6 advertisement relating to employment or membership indicating any  
7 preference, limitation, specification, or discrimination based upon race, color,  
8 religion, ancestry, national origin, sex, sexual orientation, gender identity,  
9 place of birth, housing status, crime victim status, age, or disability;

10 (3) For any employment agency to fail or refuse to classify properly or  
11 refer for employment or to otherwise discriminate against any individual  
12 because of race, color, religion, ancestry, national origin, sex, sexual  
13 orientation, gender identity, place of birth, housing status, crime victim status,  
14 or age or against a qualified individual with a disability;

15 (4) For any labor organization, because of race, color, religion, ancestry,  
16 national origin, sex, sexual orientation, gender identity, place of birth, housing  
17 status, crime victim status, or age to discriminate against any individual or  
18 against a qualified individual with a disability or to limit, segregate, or qualify  
19 its membership;

20 \* \* \*

1 Sec. 8. 21 V.S.A. § 495d is amended to read:

2 § 495d. DEFINITIONS

3 As used in this subchapter:

4 \* \* \*

5 (16) “Housing status” means the actual or perceived status of being  
6 homeless, being a homeless individual, or being a homeless person, as defined  
7 in 42 U.S.C. § 11302.

8 Sec. 9. EFFECTIVE DATE

9 This act shall take effect on July 1, 2021.